

U.S. Patent Application Serial No. 09/893,703
Amendment under 35 U.S.C. §1.111

REMARKS

Claims 1-5 and 9 are pending in the application. Claims 6-8 are herein canceled. Claims 2 and 3 are herein amended. Applicants believe that this Amendment is fully responsive to the Office Action dated June 18, 2003, and submit that no new matter has been added.

Election/Restrictions

Applicants herein cancel non-elected claims 6-8.

Claim Language Suggestions

The Examiner suggests changing the wording of the Markush groups in claim 2 as follows: "... at least two ~~types of~~ elements ..." and suggests a similar change in wording in claim 3. Applicants herein adopt the Examiner's suggestions.

Claims Rejections - 35 U.S.C. §102

Claims 1-5 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Yuasa et al. (U.S. Patent No. 5,250,369).

The Examiner cites Yuasa et al. in column 1, lines 37-45, which discloses the preparation of a hydrogen absorbing alloy negative electrode made using an "alkali-resisting organic high molecule ... added as a binding agent to a pulverized hydrogen absorbing alloy" The Examiner has thus taken the "alkali-resisting organic high molecule" of Yuasa et al. (column 1, lines 40-41)

as the recited binding agent of claim 1. The Examiner explains that the polyvinyl alcohol in Example 1 is being taken as the “binding agent” in claim 1, and apparently considers the FEP resin or the polyethylene coating to correspond to the “coating layer” in claim 1, with the coating layer being different from the binding agent (PVA).

However, Applicants note that the polyethylene coating in Yuasa et al. does not appear to be applied as an “aqueous polymeric material.” Applicants further note that Yuasa et al. does not appear to clearly state how the polyethylene is coated. Therefore, Applicants submit that the polyethylene does not meet the limitation of claim 1 and this teaching cannot be considered to anticipate claim 1.

Applicants note that the FEP (tetrafluoroethylene-hexafluoropropylene) is added as an aqueous solution in Example 20 (column 6, lines 13-17). However, this is clearly a fluorocarbon resin and cannot be the coating layer of claim 1.

With regard to claims 2 and 3, the Examiner cites Yuasa et al. in column 14, lines 26-30, as which indicate that polyethylene may be replaced by a thermoplastic resin such as polypropylene, poly(vinyl chloride), ABS resin or polystyrene. Again, however, there appears to be no teaching that these are applied as “aqueous polymeric materials.”

With regard to claims 4 and 5, the Examiner refers to Yuasa et al.’s Example 17 in column 5, lines 60-63. However, Applicants submit that the “hydrophilic resin” in this example refers to the PVA, which is the binding agent, and not the coating.

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Because at least this limitation is not taught or suggested by the cited reference, Applicants submit that the present claims could not anticipated by Yuasa et al.


In view of the aforementioned amendments and accompanying remarks, Applicants respectfully submit that the claims, as herein amended, are in condition for allowance. Applicants earnestly request withdrawal of the rejections and passage of the claims to issue.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees that may be due with respect to this paper to Deposit Account No. 01-2340.

Respectfully submitted,

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Papers filed herewith on: 09/22/03

Amendment



COMMISSIONER OF PATENTS

Receipt is hereby acknowledged of the papers filed as indicated
in connection with the above-identified case.

KHS/MT